



# California Fair Political Practices Commission

December 11, 1985

Honorable Phillip Isenberg  
Assemblyman  
California Legislature  
State Capitol, Room 2175  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-85-254

Dear Assemblyman Isenberg:

You have written requesting our advice relative to the following set of facts and questions.

## FACTS AND QUESTIONS

I am a member of the Wildlife Conservation Board. During the past month, newspaper articles have pointed out that the pending purchase of the Ocean Ranch by the WCB involves an ownership interest by a state official, George Gomes, chief deputy director of the Department of Agriculture.

From all I know, the purchase is a legitimate state function and a valuable addition to the state's ownership of sensitive coastal land.

However, given the circumstances involved, I would appreciate the Fair Political Practices Commission considering whether there would be any impropriety in the WCB purchasing the property for an impartially determined price.

In addition, I would appreciate the FPPC's consideration of whether it is appropriate for a high-level state employee to engage in the sale of property to state agencies.

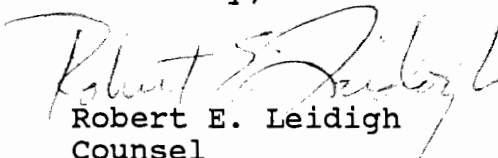
Honorable Phillip Isenberg  
December 11, 1985  
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RESPONSE

The issues which you have raised in your letter are not addressed by the provisions of the Political Reform Act. Government Code Sections 81000-91015. The Act addresses conflicts of interest arising because an official participates in governmental decisions affecting private financial interests. We are not in a position to comment on the possible applicability of other state laws regarding state contracts (Public Contract Code Section 10410; Government Code Section 1090) or other types of conflicts of interest (Government Code Section 8920(a)). We are enclosing a copy of an Attorney General's Opinion (53 Ops. Cal. Atty. Gen. 163 (1970)) and an Attorney General's advice letter on somewhat similar questions. From newspaper accounts it is our understanding that the WCB has contacted the Attorney General for further clarification on these questions.

The various newspaper accounts raise other issues relating to the lobbyist provisions of the Act. Should either Mr. Soares or Mr. Gomes wish to seek advice from the Commission regarding their respective duties or responsibilities under the Act, they are welcome to do so under the provisions of Government Code Section 83114(a) or (b). We, of course, do not provide advice regarding past actions but do provide advice with respect to future conduct.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:plh  
Enclosure  
cc: George Gomes

# California Legislature

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PHILLIP ISENBERG

ASSEMBLYMAN

☐ STATE CAPITOL, SACRAMENTO 95814  
(916) 445-1611

December 6, 1985

Mr. John Keplinger, Executive Director  
Fair Political Practices Commission  
1100 K Street  
Sacramento, CA 95814

Dear Mr. Keplinger:

I am a member of the Wildlife Conservation Board. During the past month, newspaper articles have pointed out that the pending purchase of the Ocean Ranch by the WCB involves an ownership interest by a state official, George Gomes, chief deputy director of the Department of Agriculture.

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However, given the circumstances involved, I would appreciate the Fair Political Practices Commission considering whether there would be any impropriety in the WCB purchasing the property for an impartially determined price.

In addition, I would appreciate the FPPC's consideration of whether it is appropriate for a high-level state employee to engage in the sale of property to state agencies.

Sincerely,



PLI/hh

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1215 15TH ST., STE 102  
SACRAMENTO, 95814  
(916) 324-4676

☐ DISTRICT OFFICE  
4 N. HUTCHINS ST.  
LODI, 95240  
(209) 334-4945

☐ DISTRICT OFFICE  
625 W. FOURTH ST., ROOM 5  
ANTIOCH, 94509  
(415) 778-4510

# State considers buying land owned by official

## State considers buying land owned by o

According to the proposed plan, the Gomes and \$200,000 down payment owners.

Sacramento Union  
November 27, 1985

# State land purchase decision postponed

By ED MENDEL  
SACRAMENTO UNION CAPITOL BUREAU

The State Wildlife Conservation Board postponed a decision Tuesday on the purchase of a 933-acre parcel of land near Eureka bought earlier this year by a group that includes a state agriculture official and a lobbyist.

Appraisers hired by the owners and the board are \$1 million apart, and there is no agreement on a new jointly funded appraisal that would split the difference.

A board staff report said the Ocean Ranch, located immediately north of the Eel River mouth, has one of only four known populations of the endangered western lily. All are on private land.

With a down payment of \$200,000, the parcel was purchased last May for \$2 million by a group that includes George J. Gomes, Department of Food and Agriculture chief deputy director, and lobbyist George H. Soares, who represents a number of agricultural clients.

Gomes said Tuesday he will seek an attorney's opinion about whether

he should remove himself from issues before the department that are being lobbied by Soares.

"I have been a public servant for a long time and have been able to maintain an integrity for work first," Gomes said. "I don't see any problem with disagreeing or agreeing and being able to handle your private life separately."

Gomes and Soares said they and two of the other partners, Brian L. Davie and Thomas C. Grundiman, were classmates at Cal Poly San Luis Obispo and have remained in touch since.

The four jointly purchased a half-acre parcel near Pollock Pines where they intended to build a cabin.

Also listed as partners are two members of Soares' law firm, Jan L. Kahn and Richard C. Conway.

The partnership obtained an option to purchase the property in July 1983. In 1982, the state Coastal Conservancy had tried to purchase the property but lacked funds.

Gomes said Grundiman, who grew

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# State land p decision pos

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up in the Eureka area, was able to locate all of the previous owners, more than a dozen descendants of people who purchased the property around the turn of the century.

"It was Grundiman that invited us to participate, so it wasn't a decision that I had to go in with or without Soares," said Gomes.

Fish and Game Director Jack Parnell, one of three members of the Wildlife Conservation Board, has said he will not vote on the purchase because he served as a Food and Agriculture deputy with Gomes before his current appointment.

"Grundiman and Soares pretty much handled the contacts with the board," said Gomes. He said he was only involved in the recent selection of a third appraiser.

The owners obtained an appraisal valuing the property at \$3,265,000. The board hired an appraiser who put it at \$2,241,000.

A new appraisal funded jointly by the owners and the board is \$2,663,000.

But the Department of General Services, whose approval is required, has not agreed to the new appraisal.

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